

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

AIR FORCE INSTRUCTION 51-107

1 APRIL 1996



Law

EMPLOYMENT OF CIVILIAN ATTORNEYS

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements AFPD 51-1, *The Judge Advocate General's Department*. It establishes the procedures for employment, transfer, reassignment, and promotion of Air Force civilian attorneys. In addition, applicable provisions of AFP 40-17, *Selection Procedure Documentation*; AFI 36-107, *Personnel and Position Actions*; and AFI 36-201, *Filling Positions*, must be observed. Appointments to Senior Executive Service positions are processed under AFI 36-901, *Air Force Senior Executive Resources*. This publication does not apply to the Air National Guard (ANG).

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Chapter 1

RESPONSIBILITIES OF THE QUALIFYING AUTHORITY

Section 1A—Overview

1.1. Overview. This instruction sets forth two methods for hiring civilian attorneys. **Chapter 1** concerns overall policy and describes the responsibilities and functions of the "qualifying authority." **Chapter 2** describes a fully competitive process similar to that used in the competitive service. **Chapter 3** describes an accelerated process, consistent with the excepted service nature of attorney positions, that allows you to expedite a fill whenever vacancies occur for which one or more known, qualified, and interested candidates exist. This section specifically contemplates limited or no competition in filling a vacancy. **Chapter 4** describes the personnel actions taken by qualifying authorities. **Chapter 5** deals with administrative issues.

1.1.1. Policy. The policy of the Air Force is to hire the best civilian attorneys available consistent with the statutes and regulations governing such employment. Although attorney positions are part of the "excepted service" (that is, they are exempt from the competitive ranking and referral procedures), certain principles are applicable to all attorney personnel actions.

1.1.1.1. All actions shall be taken on the basis of merit. Selection of the best qualified individual for a vacancy should be decided on the basis of relative ability, knowledge, skill, experience, and academic achievement.

1.1.1.2. Recruitment of new attorneys shall be done on the widest practicable basis with the highest degree of selectivity.

1.1.1.3. Veterans' preference provisions will be followed to the extent feasible in accepting and rating applications prior to submitting them to the qualifying authority. On request, qualified veterans shall be informed of the reason(s) for nonselection.

1.1.1.4. All actions shall be taken without regard to race, color, religion, national origin, sex, sexual orientation, age, or handicapped status. All practicable means shall be used to attract qualified women and minority applicants.

1.1.1.5. Attorney appointments are not subject to service of a probationary period. However, attorney appointees may be required to serve trial periods on the job. Such periods cannot exceed one year and must be plainly stated in the vacancy announcement. In addition, all interviewed candidates must be advised of the trial period requirement, if any, during their interview. Trial periods do not apply to current Air Force civilian attorneys who apply for different positions.

1.1.1.6. Although time-in-grade restrictions applicable to the competitive service do not, technically, apply to promotions of civilian attorneys, excessively rapid promotions should be avoided. Normally, attorneys should serve one year in grade before promotion to the next highest grade.

1.1.1.6.1. After issuing an announcement to fill an attorney vacancy, if employees not having time-in-grade are rated among the top three candidates by the local civilian attorney committee, they may be eligible for appointment to the higher grade.

1.1.1.6.2. Fill actions will not be started solely for the purpose of trying to qualify a present employee for promotion to a higher grade position before meeting the time-in-grade requirements.

1.1.2. Authorities.

1.1.2.1. Air Force civilian attorneys are appointed under the following authorities. Office of Personnel Management (OPM) Regulations (implementing Title Air Force civilian attorneys are appointed under the following authorities. Office of Personnel Management (OPM) Regulations (implementing Title 5, United States Code); Schedule A, Section 213.3102 of the OPM Rules and Regulations. Non-U.S. citizens recruited in areas outside the 50 states, Puerto Rico, and the Virgin Islands, are appointed under authority of Section 8.3 of Rule VIII.

1.1.2.2. DoD Requirement. Appointments are made under the authority of DoD Directive 1442.2, 26 June 1967.

Section 1B—Qualifying Authority

1.2. Qualifying Authority. The Air Force Civilian Attorney Qualifying Committee (AFCAQC) is established by the General Counsel and The Judge Advocate General to define and manage policies appropriate for the effective administration of the Air Force civilian attorney workforce. The Director of Civilian Personnel Policy and Personnel Plans, Headquarters, USAF, provides consultative advice to the AFCAQC on personnel policies. The AFCAQC is composed of three or more civilian attorneys in grades GS-15 or above, designated by the Secretary of the Air Force. A non-voting recorder is assigned to the AFCAQC. The AFCAQC is solely responsible for, and has complete discretion to, qualify and approve appointment, promotion, reassignment, and transfer of persons to attorney positions. This qualifying and appointment authority, called "qualifying authority," resides in the AFCAQC, subject to the delegations of authority described in this Instruction. At the request of the General Counsel or The Judge Advocate General, or on its own initiative, the AFCAQC provides advice and makes recommendations to the General Counsel and The Judge Advocate General concerning any aspect of the civilian attorney workforce. Further, the AFCAQC maintains necessary records and correspondence.

1.2.1. Approval. When the qualifying authority decides that a candidate meets the requirements for a given position, it approves the appointment. That attorney may thereafter be transferred or reassigned to any position within the grade for which approved, or to a lower grade. No further approval by the qualifying authority is necessary. Those moves only require approval by the local staff judge advocate in consultation with the local civilian personnel officer. However, if such a move results in a substantial change in functional responsibility, that move must go up to the AFCAQC for approval.

1.2.2. Reservations. The AFCAQC reserves qualifying authority for all GS-14 and 15 hiring actions; all hiring actions using accelerated procedures; all promotions to GS-14 and 15 (including upgrades to the target grade of GS-14 and 15 in developmental positions); and all promotions of attorneys with less than one year time-in-grade.

1.2.3. Delegations. The AFCAQC may delegate the qualifying authority reserved in paragraph 1.3.2. either selectively, or on a class basis, by letter to the designated qualifying authority.

1.3. Delegation of Qualifying Authority. Qualifying authority is delegated as follows:

1.3.1. Hiring Attorneys Using Fully Competitive Procedures (see Chapter 2). Authority to approve qualifications of candidates to positions graded at GS-13 and below, and approve appointments to those positions, is delegated to the Major Command or Air Force Field Operating Activity Staff Judge Advocate, Director, or equivalent. Those persons may further redelegate that authority no lower than the Staff Judge Advocate in whose office the vacancy exists. Authority to qualify candidates and approve GS-14 or 15 appointments is reserved by the AFCAQC.

1.3.2. Promoting Attorneys. Authority to promote an attorney to positions graded at GS-13 and below is delegated to the Major Command or Air Force Field Operating Activity Staff Judge Advocate, Director, or equivalent. Those persons may further redelegate that authority no lower than the Staff Judge Advocate in whose office the promotion occurs. Authority to upgrade an attorney to the target grade of a developmental position (when GS-13 and below) is delegated to the Major Command or Air Force Field Operating Activity Staff Judge Advocate, Director, or equivalent. Those persons may further redelegate that authority no lower than the Staff Judge Advocate seeking to make the upgrade. Authority to promote and approve upgrades to GS-14 and 15 are reserved by the AFCAQC.

1.3.3. Reassignments. Authority to approve qualifications and reassign those attorneys to perform different functions within an organization at the same base to an equal or lower graded position is delegated to the Major Command or Air Force Field Operating Activity Staff Judge Advocate, Director, or equivalent, with power to further redelegate no lower than the Staff Judge Advocate seeking to make the reassignment. All requests for approval to reassign an Air Force employee from a non-attorney position to an attorney position are treated as new hires (see paragraph 1.3.1.).

1.3.4. Transfers. Authority to approve attorney qualifications and transfer a person and their position between bases within a Major Command or Air Force Field Operating Activity is delegated to the Major Command or Field Operating Activity Staff Judge Advocate, Director, or equivalent. Authority to approve attorney qualifications and transfer a person and their position between Major Commands or FOAs is delegated to the gaining Major Command or Field Operating Activity Staff Judge Advocate, Director, or equivalent. These actions are subject to the approval of the affected commanders and require consultation with relevant manpower and personnel offices.

Chapter 2

FULLY COMPETITIVE PROCEDURES

Section 2A—Overview

2.1. Hiring Process Overview. The normal process of filling civilian attorney vacancies closely follows the process used in the competitive service. The hiring process begins when you create a new position and complete the position description classification, or when incumbents announce their intent to leave.

2.1.1. The Staff Judge Advocate having the vacancy submits a request to the servicing civilian personnel office to get the position filled by completing an SF 52, "Request for Personnel Action."

2.1.2. The civilian personnel office prepares an examination announcement and starts the recruitment process. (**NOTE:** Attorney positions are exempt from the Priority Placement Program.) The announcement is left open for at least two weeks (often longer, depending on the position, location and skills required). When the applications are received, they are first screened by the servicing civilian personnel office, and then by the local civilian attorney committee.

2.1.3. After this initial paper screening, the committee identifies those candidates that meet the minimum qualifications. Some, or all of them, are selected to be interviewed. The interviews are conducted either in person or by telephone. Summaries of the interviews are prepared and included in the file.

2.1.4. The files of the best qualified candidates are forwarded through command judge advocate and civilian personnel channels to the qualifying authority. Those files contain the application, the interview summaries, the committee's ranking of the candidates, and a committee recommendation on whom to select. Once the qualifying authority approves the recommendation, an offer is made to the successful candidate.

Section 2B—Roles, Responsibilities and Procedures

2.2. Roles, Responsibilities and Procedures. The civilian personnel office and the local civilian attorney committee have key roles and responsibilities in the fully competitive hiring procedure.

2.2.1. Local Civilian Attorney Committee. Commanders of organizations which have a central civilian personnel office, appoint an *ad hoc* local civilian attorney committee for each separate hiring action.

2.2.1.1. Membership. Membership of the committee consists of the following:

2.2.1.1.1. Two legal members (civilian or military). At least one civilian attorney should ordinarily be selected for the committee. That attorney should hold the same or higher grade as the position being filled. If less than two qualified legal members are available to serve on the local committee, you should ask the MAJCOM or another Air Force activity to provide a civilian or military attorney. When the staff judge advocate acts as the qualifying authority for the position being filled, that person cannot serve on this committee. Local Committees below the MAJCOM/FOA-level considering fills for GS-15 positions and developmental positions with a target GS-15 grade shall include one colonel or GS-15 representative from the cognizant MAJCOM.

2.2.1.1.2. A senior staff member of the civilian personnel office. That person will be either the civilian personnel officer, deputy civilian personnel officer, the chief of placement (or equivalent), or a staffing specialist designated by the civilian personnel officer.

2.2.1.2. Function. The local civilian attorney committee is responsible for rating applications, interviewing, and evaluating candidates for appointment to attorney positions. The committee prepares interview summaries and recommends a candidate for selection to the qualifying authority.

2.2.1.3. Responsibilities. The local civilian attorney committee rates applicants on experience, education, and other professional qualifications as required by the qualification requirements approved for the position which is being filled. Minimum position requirements and some grade-by-grade guidelines are described in **Attachment 1** and **Attachment 2**.

2.2.1.3.1. Veteran Preference. The principle of veterans' preference shall be followed to the extent administratively feasible.

2.2.1.3.2. Oral Interview. After initially ranking the applications, the committee will normally notify the three best qualified candidates to appear for an interview. Circumstances may dictate more or fewer interviews. In the event a candidate resides outside the local area and cannot travel to participate in a live interview, the interview may be conducted by telephone. Nevertheless, live interviews are strongly encouraged.

2.2.1.3.2.1. Purpose and Content of Oral Interview. The interview is an important element of the screening process. Its purpose is to evaluate the candidate's suitability by testing the knowledge of the law and professional skill required to fill that position. The interview is not intended to be similar to a bar examination. Rather, the interview is intended to supplement the committee's information regarding the candidate. It, thus, provides you with a way to evaluate a candidate's knowledge and background which may not be evident from the written record. The interview also provides an opportunity to observe a candidate's presentation skills and cognitive qualities in relation to the requirements of the position being filled.

2.2.1.3.2.2. Preparation of Interview Summaries. A separate summary of each interview must be prepared, describing the candidate's suitability and legal skills. The summary must reflect the factors developed during the interview in order to give the qualifying authority the information necessary for a proper review of the candidate's qualifications. It includes comment on the candidate's presence; mental qualities and attitudes; knowledge of the law as required by the qualification requirements approved for the position being filled; and the quality of experience in specific and general areas of law. The summary also provides comment on any collateral experience pertinent to the position which is not brought out fully in other available data, coupled with the candidate's ability to apply that knowledge and experience with professional skill and sound judgment. The summary's conclusions represent an analysis and summary of the applicant's qualification and suitability for the position for which the interview was conducted. Follow the format in **Attachment 3** when preparing the interview summaries.

Section 2C—Civilian Personnel Office

2.3. Responsibilities. In making appointments under the provisions of this section, the civilian personnel office has the following responsibilities:

2.3.1. Verify that the position to be filled is an attorney position and develop suitable qualification requirements.

2.3.2. Notify the Executive Secretary, Air Force Civilian Attorney Qualifying Committee, when action is being initiated to fill a vacant attorney position. Send notices to:

HQ USAF/JAX

Secretary, AF Civilian Attorney Qualifying Committee

1420 Air Force Pentagon

Washington, DC 20330-1420

The notice to the AFCAQC shall include the announcement number; opening and closing dates; title and grade of the position; name, organization and telephone number of the person to contact; and a copy of the announcement (if published).

2.3.3. Recruit qualified candidates in sufficient numbers to enable selection of the best available person.

2.3.3.1. Recruitment from within the Federal government shall follow the procedures and format used for vacancies in the competitive service. In addition, a notice should be distributed by the most expedient means to all Air Force legal offices.

2.3.3.2. When you desire to recruit outside the Air Force to fill an attorney position, the vacancy should be publicized to the extent necessary to obtain an adequate number of qualified candidates. As a minimum, information concerning the position will be provided to recruitment sources in the normal base recruiting area at least two weeks prior to the closing date for receipt of applications. We suggest you include the following recruitment sources: first and second class Post Offices; local chapters or posts of veterans; local and state bar associations; law schools; employee information bulletins; local newspapers; law journals and other legal publications.

2.3.4. Prepare recruitment notices and obtain completed forms and supporting data for use in the examining/interview and appointment processes.

2.3.4.1. Vacancy Announcement. A vacancy announcement prepared by the central civilian personnel office constitutes the recruitment notice. Announcements should be attractively prepared and concisely worded, containing the information described in **Attachment 2**. All essential information should be provided to attract qualified applicants.

2.3.4.2. Closing Date. The closing date for submission of applications to the central civilian personnel office must be at least two weeks from the date of issuance. Ordinarily, your closing date should not be set to fall on a Saturday, Sunday, or holiday. Applications received after the closing date are accepted, but only if the envelope is postmarked before midnight of the closing date.

2.3.4.3. Announcements must be numbered consecutively in a separate numbering series and the number prefixed by the letter "L."

2.3.5. Determine that applicants meet all requirements for appointment aside from those set by the local civilian attorney committee and the qualifying authority.

2.3.6. Initiate requests for approval of candidates by the qualifying authority as required in this instruction.

2.3.7. Comply with veteran preference requirements.

2.3.8. Furnish the qualifying authority with the applications and supporting documents for qualified candidates who have been examined and rated by the local civilian attorney committee in accordance with this section.

2.3.9. Process the personnel action after the requirements of this instruction have been met.

2.3.10. Furnish the AFCAQC a copy of the personnel action (SF 50).

Section 2D—Submission to the Qualifying Authority

2.4. Submission to the Qualifying Authority. Once all applications have been screened, interviews conducted, summaries prepared, and the candidates ranked, the names of the best qualified candidates (usually three) must be forwarded to the qualifying authority for review and appointment approval.

2.4.1. MAJCOM JA and DP offices may require that submissions be submitted through command channels when AFCAQC action is required.

2.4.2. Applications for organizational units serviced by a central civilian personnel office of another command are forwarded through the command headquarters of the serviced unit.

Chapter 3

ACCELERATED PROCEDURES

Section 3A—Overview

3.1. Filling Vacancy Without Further Recruitment or Competition. Whenever any attorney vacancy occurs for which one or more known, qualified, and interested candidates exist, such vacancy may be filled without further recruitment or competition.

3.1.1. This section establishes procedures which contemplate:

3.1.1.1. Knowledge of one or more qualified, interested candidates for a vacancy.

3.1.1.2. The need for rapid response to take advantage of the opportunity to hire such persons.

3.1.1.3. The reasonable belief that better qualified candidates are not likely to be discovered if the fully competitive procedures are used.

3.2. Streamlined Process. These procedures eliminate the announcement, formal recruitment, and pre-screening phases of the fully competitive process. The evaluation process is thus shortened by limiting the number of candidates that must be reviewed and interviewed.

Section 3B—Candidate Files

3.3. Candidate Files. Staff Judge Advocates are encouraged to maintain current files of qualified candidates (in-house and otherwise) for the types and levels of civilian attorney positions in the organization (e.g., GS-14 contract attorneys). This helps you get rapid fills when vacancies arise.

3.3.1. The Promotions and Placements Referral Subsystem (PPRS) personnel referral system may also be utilized to assist you in identifying candidates.

3.3.2. SJAs are strongly encouraged to share candidate data with other legal offices.

3.3.3. Candidates for jobs not available in an organization should be referred to offices having such positions.

Section 3C—Roles, Responsibilities and Procedures

3.4. Roles, Responsibilities and Procedures. When an office having an attorney vacancy knows of one or more qualified candidates that are interested in the job, the following procedures may be substituted for those set forth in **Chapter 2** of this instruction:

3.4.1. The Staff Judge Advocate (SJA) having the vacancy shall review the position description and revise it as necessary.

3.4.2. The SJA submits the name of one or more candidates to the servicing civilian personnel office (CPO) with the position description and SF 52 for review and initiation of fill action.

3.4.3. The CPO verifies that the position to be filled is an attorney position, and develops qualification requirements for the position.

3.4.4. The CPO notifies the Executive Secretary, Air Force Civilian Attorney Qualifying Committee, when action is being initiated to fill a vacant attorney position. Send notices to:

HQ USAF/JAX

Secretary, AF Civilian Attorney Qualifying Committee

1420 Air Force Pentagon

Washington, DC 20330 - 1420

The notice to the AFCAQC shall include the title and grade of the position and the name, organization and telephone number of the person to contact.

3.4.5. The CPO invites the one or more proposed candidates to submit an application and supporting documents.

3.4.6. The CPO reviews resulting applications for completeness and satisfaction of qualifications.

3.4.7. The CPO arranges an interview for the one or more qualified candidates. At the discretion of the SJA, the local civilian attorney committee may be convened as described in paragraph 2.2.1. of this instruction to conduct an oral interview, and prepare a written brief of the interview giving due recognition to any veteran's preference. The SJA may also personally perform this function.

3.4.8. The CPO ensures compliance with veteran preference requirements.

3.4.9. The CPO prepares a decision package for submission to the qualifying authority as described in paragraph 4.1. of this instruction.

3.4.10. The CPO processes the personnel action after the requirements of this instruction have been met.

3.4.11. The CPO furnishes a copy of the SF 50-B, **Notification of Personnel Action**, to the AFCAQC.

Chapter 4

QUALIFYING AUTHORITY ACTION AND SELECTION

Section 4A—Request for Qualifying Authority Action

4.1. Items to Forward for Qualifying Authority Action. Regardless of whether the full competition or accelerated procedures are used, when the local civilian attorney committee process is complete, the servicing civilian personnel office submits a request for action through command channels to the appropriate qualifying authority (see **Chapter 1**). A copy of the following completed forms and supporting data (for each qualified and recommended candidate) must accompany this request:

4.1.1. A copy of the AF Form 1378, **Civilian Personnel Position Description**, for the position being filled.

4.1.2. An OF 612, **Optional Application for Federal Employment**, a Standard Form 171, **Application for Federal Employment**, or a resume.

4.1.3. A recent official certificate showing that the candidate is an active member of the bar (not needed if the candidate is applying for initial appointment prior to admission to the bar; see **Attachment 1**). Where you have a non-U.S. citizen applicant recruited outside the 50 States and District of Columbia for appointment to a position overseas, an official statement, furnished by the candidate, of the proper court (or appropriate government authority) that the candidate is a member in good standing at the bar.

4.1.4. Unless applying for initial appointment prior to admission to the bar (see **Attachment 1**), or unless appointed within 90 days thereafter, an official statement that fitness to practice law or conduct oneself as an attorney has never been challenged.

4.1.4.1. In the case of a non-U.S. citizen candidate who is recruited outside the 50 States and the District of Columbia for appointment to a position overseas, an official statement, furnished by the candidate, of the proper court (or appropriate government authority) that the candidate's fitness to practice law or conduct oneself as an attorney has never been challenged.

4.1.4.2. If either fitness or conduct has been challenged, an official statement concerning the facts and circumstances, disposition, and any explanation which the candidate may care to submit, must be included with the request.

4.1.5. When the candidate has been a member of the bar for less than five years, provide an official law school transcript and an official statement of relative class standing (if available).

4.1.6. Copies of all data, obtained by the civilian personnel office of the employing activity, which concern the candidate's legal training, experience, and ability.

4.1.7. A summary of the oral interview for each candidate.

Section 4B—Qualifying Authority Review and Action

4.2. Qualifying Authority Review and Action. The cognizant qualifying authority reviews the applications, supporting data, and local civilian attorney committee recommendations, along with any intermedi-

ate command recommendations, in order to evaluate the qualifications and suitability of the candidates for the position for which they are being considered.

4.2.1. Qualifying authorities may, at their discretion, interview any or all of the candidates. If only one qualified candidate is submitted, the qualifying authority may approve or disapprove the nomination for appointment. If more than one qualified candidate is submitted, the qualifying authority may approve the rank order submitted or may change it.

4.2.2. The applications and supporting documents are returned with the qualifying authority's determinations.

Section 4C—Other Qualifying Authority Actions

4.3. Actions Requiring Qualifying Authority Review. Certain other personnel actions also require review and approval by the cognizant qualifying authority.

4.3.1. Promotions. Each proposed promotion of a civilian attorney (including promotion to the target grade of a developmental position) shall be submitted to the qualifying authority for approval or disapproval.

4.3.1.1. The submission shall include a copy of the position description, an evaluation by the professional supervisor of the attorney of the quality of the attorney's work, and an opinion as to the attorney's prospective ability to perform the duties of the higher grade and its accompanying position description.

4.3.1.2. Qualifying authorities will consider the quality of the attorney's performance of prior duties, the ability of the attorney to perform the duties of the higher grade and its accompanying position description, and other relevant experience.

4.3.2. Reassignments. Each proposed reassignment of an attorney shall be submitted to the cognizant qualifying authority for approval or disapproval. See paragraph 1.3.3.

4.3.2.1. The submission shall include a copy of the position description, an evaluation by the professional supervisor of the attorney of the quality of the attorney's work, and an opinion as to the attorney's prospective ability to perform the duties of the new position.

4.3.2.2. Qualifying authorities will consider the quality of the attorney's performance of prior duties, the ability of the attorney to perform the new duties, and other relevant experience.

4.3.3. Transfers. Each proposed transfer of an attorney's position between bases within a MAJCOM or between MAJCOMs shall be submitted to the cognizant qualifying authority for approval or disapproval. See paragraph 1.3.4.

4.3.3.1. The submission shall include a copy of the position description, an evaluation by the professional supervisor of the attorney of the quality of the attorney's work, and an opinion as to the attorney's prospective ability to perform the duties in the new organization.

4.3.3.2. Qualifying authorities will consider the quality of the attorney's performance of prior duties, the ability of the attorney to perform the new duties, and other relevant experience.

Chapter 5

SELECTION, APPOINTMENT AND ADMINISTRATION

Section 5A—Selection

5.1. Selection. Upon receipt of the applications and accompanying documents by the employing activity, the commander (through the servicing civilian personnel office) will employ the selected candidate or take such action as may be directed by the qualifying authority.

5.1.1. If the qualifying authority ranked candidates in order of preference, the selection process must follow such order in making appointments.

5.1.2. Should the highest ranked candidate decline the position, the process may be restarted rather than offering the position to the remaining candidates. Immediately notify the qualifying authority if this happens.

Section 5B—Changes

5.2. Changes. Significant changes to an attorney position after review of the candidates' qualifications and interviews by the local civilian attorney committee or the qualifying authority require a reaccomplishment of the hiring process.

5.2.1. Resulting reconsideration packages must include a revised AF Form 1378.

5.2.2. In this event, the qualifying authority may require an oral examination, request additional submissions, or make a determination solely on the written file.

Section 5C—Notification of Selection

5.3. Notification of Selection. Civilian personnel officers retain the recruitment notice and source list, the local civilian attorney committee ratings and notes, and the minutes of the civilian attorney committee for each appointment made.

5.3.1. The staff judge advocate (selecting supervisor) will return the original applications of those not selected by appropriate letter (1) expressing appreciation for their application and (2) stating that selection has been made for one of the top candidates and that, in the event of future vacancies, another application will be desired.

5.3.2. A copy of the applications may be retained to identify candidates for future vacancies (see paragraph 3.3.).

Section 5D—Personnel Actions

5.4. Personnel Actions. The SF 50-B, **Notification of Personnel Action**, effecting appointment and position change actions, is prepared in accordance with AF instructions. Civilian personnel officers must

forward a copy of each SF 50-B effecting an appointment, promotion, position change or separation of an attorney to AFCAQC at the address in paragraph 3.4.4.

NOLAN SKLUTE, Maj General, USAF
The Judge Advocate General

Attachment 1

ATTORNEY QUALIFICATIONS

A1.1. General. In addition to the requirements of Section IV, DOD Directive 1442.2, June 26, 1967, as changed, (Appendix 1), the following qualifications are required of all Air Force attorneys.

A1.1.1. To be eligible for consideration for initial appointment applicants must be graduates of a law school that is accredited by the American Bar Association.

A1.1.2. For initial appointment in grades GS-12 and below as law clerk trainees, applicants need not have been admitted to the Bar, if otherwise qualified. However, they must be admitted to the Bar within fourteen months from the date of appointment or be separated. For consideration for initial appointment in grades above GS-12 applicants must be active Bar members.

A1.1.3. Appointments will be made on the basis of merit and in accordance with veterans preference entitlements and applicable rules and regulations of the Office of Personnel Management. Subject to this requirement, when more than one applicant for a particular attorney position meets the minimum requirements for appointment, the applicant who is best qualified on the basis of academic standing, relevant experience and achievement in the legal field will be selected. Other factors involving effectiveness to perform the function of the position may also be considered.

A1.1.4. The duties to be performed are the most important consideration in determining the appropriate entry grade. High academic standing and relevant experience may also be considered but shall not alone be a sufficient basis for appointment at a higher entry grade.

A1.2. Grade-by-Grade Guidelines. The following grade-level guidelines shall be applicable to initial appointment in the grade indicated:

A1.2.1. GS-9.

A1.2.1.1. Duties Performed at GS-9 Level. Assignments involve legal or factual questions which range from the relatively simple to difficult. Some assignments at the GS-9 level may involve relatively easy research on clear-cut issues with adequate precedents. Other legal questions at the GS-9 level are difficult because of the complexity of the facts or the different possible constructions which may be placed on either the facts or laws involved. Cases are strongly contested in formal hearings or informal negotiations by the individuals, corporations, or agencies involved. In relation to cases of this scope, GS-9 entrance-level attorneys search case reports, legal documents, periodicals, and textbooks, and prepare tentative drafts of letters, memorandums, and legal documents for use by higher-grade attorneys. They assist attorneys in charge of court cases or administrative proceedings by interviewing and selecting witnesses, preparing them to give testimony, and suggesting questions to be asked in cross-examination. Attorneys who enter at the GS-9 level work under very close supervision. They receive specific preliminary instructions, their commitment authority is very limited, and their completed written work is carefully and closely reviewed.

A1.2.1.2. Qualifications Required at GS-9 Level. The first professional law degree (LL.B. or J.D.).

A1.2.2. GS-11.

A1.2.2.1. Duties Performed at GS-11 Level. Assignments involve complex and difficult legal questions requiring extensive research, analysis, and evaluation of information in controversial areas. Cases have an important impact on major private or public interests, for example, a major extension or revision in a State grant program or a substantial question on civil rights. Cases are vigorously contested by capable legal talent as, for example, in an antitrust case. In relation to cases of this scope, GS-11 entrance-level attorneys prepare legal documents for filing by drafting complaints, orders to show cause, indictments, preliminary motions, and supporting affidavits and briefs. They prepare drafts of pleadings and motions in connection with cases in litigation. They conduct investigations to obtain facts, study legal precedents, and prepare recommendations. They assist attorneys in charge of court cases by cross-examining witnesses, and by drafting findings of fact, conclusions of law, and orders based upon the record. As with attorneys described at the GS-9 level, GS-11 entrance-level attorneys work under close supervision. They receive specific preliminary instructions, their commitment authority is limited, and their complete written work is carefully and closely reviewed.

A1.2.2.2. Qualifications Required at GS-11 Level.

- The first professional law degree (LL.B or J.D.) plus one year of professional law experience; or
- The first professional law degree plus the second professional law degree (LL.M) provided it required one full academic year of graduate study; or
- The first professional law degree provided the applicant's record shows superior law student work or activities as demonstrated by one of the following:
 - Academic standing in the upper third of their school graduating class, or
 - Work/achievement of significance on law school's official law review, or
 - Special high-level honors for academic excellence in law school, or
 - Winning of a moot court competition or membership on the moot court team which represents the law school in competition with other law schools, or
 - Full-time or continuous participation in a legal aid program as opposed to one-shot intermittent or casual participation, or
 - Significant summer law-office clerk experience, or
 - Other equivalent evidence of clearly superior achievement.

A1.2.3. GS-12.

A1.2.3.1. Duties Performed at GS-12 Level. Assignments involve extremely complex and difficult legal questions requiring extensive research, analysis and evaluation of information in controversial areas of scientific, financial, corporate, medical, engineering, or other highly technical areas. Cases have an important impact on major private or public interests such as, for example, a major extension or revision in a State grant program or a substantial question on civil rights. Interest in these cases is usually nationwide.

A1.2.3.1.1. GS-12 entrance-level attorneys are entrusted with the initial preparation of proposed solutions to projects. To this end, they conduct investigations to obtain facts, study legal precedents, make recommendations and prepare necessary documents.

A1.2.3.1.2. As with attorneys described at the GS-9 and GS-11 levels, GS-12 entrance-level attorneys work under close supervision. They receive preliminary instructions, their commitment authority is limited and their completed written work is carefully reviewed.

A1.2.3.2. Qualifications Required at GS-12 Level.

- The first professional law degree (LL.B. or J.D) plus two years of professional legal experience (at least one of which was at or equivalent to the GS-11 level); or
- Attorneys without experience, may in unusual cases, be employed at grade GS-12, provided the individual has advanced educational attainments substantially beyond those indicated as required for work at the GS-11 level and their education clearly indicates ability to perform work of the type to be assigned, for example, education which included courses directly pertinent to the work of the Air Force. The essential point in such cases is to assure that the individual's education has enabled them to step into complete legal work characteristic of the GS-12 level and to operate with the degree of independence and responsibility typical of that level.

A1.2.4. Above GS-12.

A1.2.4.1. Qualifications Required Above GS-12 Level. Admission to the Bar and such professional legal experience in excess of two years as is commensurate with the duties and responsibilities of the position to be assumed.

A1.3. The qualification requirements and grade-level guidelines set forth above shall not preclude the initial appointment of applicants at grades lower than prescribed herein.

A1.4. The qualifying authority may make exceptions to the foregoing grade-level guidelines set forth in paragraph **A1.2.** (but not to the basic qualification requirements set forth in paragraph **A1.1.**) in those cases in which applicants possess special experience qualifications of a legal or non-legal nature that will be of material value in the performance of the duties to be performed in the position to which appointed. Such experience may have been gained either before or after admission to the Bar. In any event, professional legal experience after admission to the Bar may be substituted for the criteria of the guidelines prescribed for appointments in grades higher than GS-9.

Attachment 2

CONTENT OF VACANCY ANNOUNCEMENT

A2.1. Content. As a minimum, the information outlined below must be included in each vacancy announcement:

- Name and address of issuing office
- Announcement number - Number assigned by civilian personnel office.
- Title of position, grade, and salary rate
- Location of position
- Issue date of announcement
- Filing period - The exact beginning and closing dates for acceptance of applications, extending for not less than a two-week period.
- Description of work - A clear statement of the important duties of the position.
- Basis of rating - Information that no written examination will be required; that applicants will be rated on the content of the application, considering education, experience and other professional qualifications; that the best qualified applicants will be given an oral interview to further evaluate suitability and knowledge of the law; that final selection is a two-part process comprised of: (1) rating by the local civilian attorney committee (including results of the oral interview); and (2) final review of qualifications of the best qualified applicants by the qualifying authority including, in its discretion, another oral interview; and that final selection is subject to approval of the qualifying authority which may revise the rank order of preference for selection.
 - Experience Requirements - Qualification requirements approved for the position to be filled.
- General Requirements - Citizenship and physical requirements.
 - Veteran Preference - Information indicating that the principles of veteran's preference will be followed to the extent administratively feasible.
 - Nature of appointment - Statement that appointments are excepted from the competitive service; that the appointment may involve a trial period (which should also be stated); and that persons receiving such appointments do not thereby acquire competitive status.
 - Instructions on How To Apply - Information concerning forms required, where to obtain them, when to file, and the address of the office designate to receive applications.

Attachment 3

FORMAT FOR SUMMARY OF ORAL INTERVIEW

(Name of Activity)

CIVILIAN ATTORNEY COMMITTEE

POSITION TITLE AND GRADE_____ POSITION NO._____

NAME OF APPLICANT_____

GENERAL OBSERVATIONS: (Presence, mental qualities, attitudes)

LEGAL QUALIFICATIONS: (Nature of questions asked and quality of replies, including reasoning, logic, language)

CONCLUSIONS: (Analysis and summary of applicant's qualifications and suitability)

(Date) _____ Signatures and Titles of Committee Members_____